

**ENVIRONMENTAL ASSESSMENT
FOR THE
PROTECTION OF THE
APPALACHIAN NATIONAL SCENIC TRAIL
ACROSS SADDLEBACK MOUNTAIN
IN FRANKLIN COUNTY, MAINE**

CHAPTER 1: PURPOSE OF AND NEED FOR ACTION

Introduction

The Appalachian National Scenic Trail (A.T.) is a continuous, marked footpath extending approximately 2,160 miles across the Appalachian Mountains from the summit of Springer Mountain in Georgia to the summit of Katahdin in Maine. The route of the Trail across Saddleback Mountain was established in 1935, and the entire Appalachian Trail was completed initially in 1937.

As the longest unit of the National Park System, the Appalachian Trail provides opportunities for millions of visitors each year to traverse and experience countless wild, scenic and pastoral settings in the Appalachian Mountains. The Appalachian Trail affords an opportunity for continuous long-distance hiking that is world-renowned. More importantly, an estimated three to four million visitors annually enjoy some portion of the Trail, whether it is a leisurely stroll, a weekend outing, or an extended backpacking excursion of a week or more.

The Appalachian Trail Project, which dates back to the early 1920s, also is recognized as one of the nation's most remarkable examples of private citizen action in the public interest. The concept of a long-distance trail spanning the Appalachian Mountains was first conceived by a private citizen in 1921, and the initial route of the Trail was constructed almost entirely by volunteers. Since that time, volunteers affiliated with the Appalachian Trail Conference (ATC) and its member trail-maintaining clubs have constructed, reconstructed, and maintained the footpath, as well as a system of more than 250 shelters and associated facilities. In 1998, more than 4,400 volunteers contributed more than 174,000 hours to maintaining and managing the Appalachian Trail for the benefit of the American public.

Legislative Authority for and Purpose of the Proposed Action: In 1968, Congress passed the National Trails System Act "in order to provide for the ever-increasing outdoor recreation needs of an expanding population and, in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas, and historic resources of the Nation." In passing the

National Trails System Act, Congress established criteria for national scenic trails, which are “extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass,” and designated the Appalachian National Scenic Trail as the nation’s first national scenic trail. The Act also provided for state and federal land acquisition to establish a permanent right-of-way and protective corridor along the full length of the Appalachian National Scenic Trail.

The legislation includes the following important provisions:

In selecting rights-of-way, full consideration should be given to minimizing adverse effects on adjacent landowners. Development and management of the Trail shall be designed to harmonize with and complement any established multiple-use plans to ensure continued maximum benefits from the land. (section 7e)

If state or local governments fail to take action to acquire the necessary interests to protect the Appalachian Trail, the Secretary of the Interior is authorized to enter into agreements or acquire lands or interests therein to protect the trail. The Secretary is authorized to utilize condemnation proceedings to acquire lands or interests therein only in cases where, in his judgment, all reasonable efforts to acquire the necessary interests through negotiation have failed. (sections 7e and 7g)

Broad cooperative agreement authority is provided to enable the Secretary of the Interior to delegate responsibilities for operation, development, and maintenance of the trail to other governmental and private organizations. (section 7h)

In 1978, Congress amended the National Trails System Act to authorize additional federal funding to protect the Appalachian National Scenic Trail. At that time, Congress also directed the National Park Service and the U.S. Forest Service to accelerate their Trail-protection programs and expanded the federal agencies’ authority for use of eminent domain (as a last resort) for protection of the Appalachian National Scenic Trail from not more than 25 acres in any one mile to not more than an average of 125 acres per mile.

Since that time, the National Park Service has engaged in an active and successful Trail-protection program, which is rapidly nearing completion. Today, more than 2,130 miles of the 2,160-mile long Appalachian National Scenic Trail are permanently protected by state or federal ownership, including approximately 277 miles of the 281 miles of the A.T. in Maine.

The 3.5-mile section of the Appalachian National Scenic Trail across Saddleback Mountain, from Eddy Pond to The Horn, represents the single longest remaining unprotected stretch of the Appalachian National Scenic Trail. The purpose of the National Park Service’s action is to protect this section of the Appalachian National Scenic Trail and fulfill the intent of the National Trails System Act of 1968, as amended.

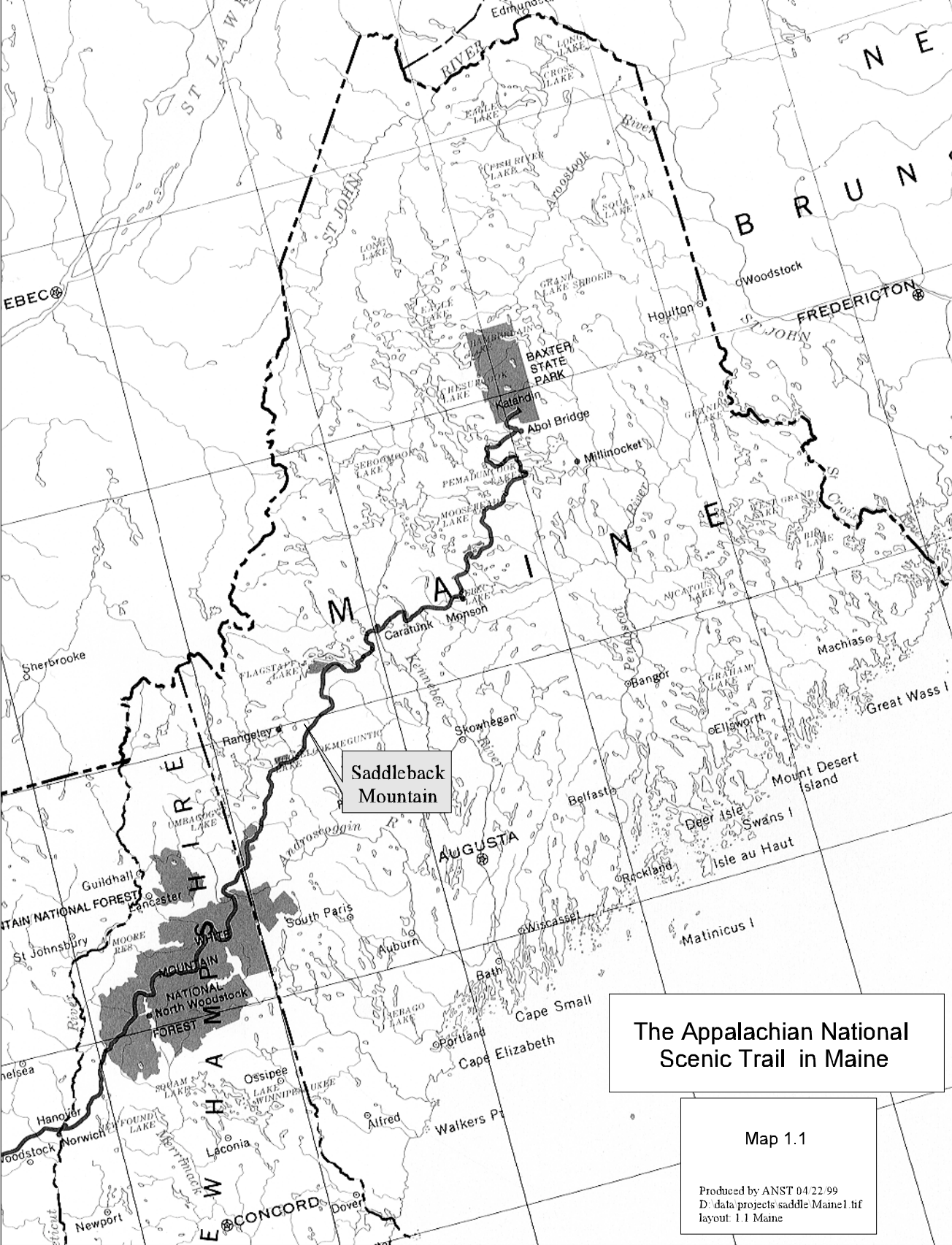
Map 1.1 depicts the general area of the Appalachian Trail in western Maine. A more detailed map of the project area is provided in Chapter 2, under the section titled “The Alternatives.”

Scope of the Proposed Action: This environmental assessment evaluates alternative configurations for a protective corridor of land for the Appalachian Trail across Saddleback Mountain. In order to have a rational basis for comparison, each alternative includes a conceptual “logical development scenario” for ski-area development that could occur outside (and, in one alternative, inside) the protective corridor. It is not the responsibility of the National Park Service to determine what an appropriate level of ski area development might be for a given area or region. Local and state processes exist to address these issues. However, it is the responsibility of the National Park Service to determine what an appropriate level of protection for the Appalachian Trail should be.

As a result, the assessment includes an analysis of the effects that could be projected to occur if the National Park Service takes a particular course of action to protect the Trail, including potential scenarios for ski-area development on Saddleback Mountain. These scenarios are based to the extent possible on information provided by the owner of Saddleback Ski Area regarding future expansion plans. However, the owner of the area declined to provide any specific information regarding current operations of the ski area or specific plans for future expansion. Further, the owner refused to permit access to the property for any purposes associated with the analysis. Because of these limitations, the effects of each alternative are based in part upon “logical development scenarios” developed by a professional ski area engineering firm. This firm, Sno.engineering, Inc., based its analysis and recommendations on the limited information provided by Saddleback Ski Area and fairly extensive information that was already available or that could be obtained from public sources about the physical attributes and constraints to ski area development on Saddleback Mountain.

The National Park Service is not suggesting that ski area development should occur as described under any of the alternatives. Actual ski-area development, if and when it occurs, would take place pursuant to plans developed by the ski area and would be subject to regulations and conditions required by the Maine Land Use Regulation Commission, the Maine Department of Environmental Protection, and local jurisdictions.

Compliance with the National Environmental Policy Act: National Park Service guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA) recommend that an environmental assessment be prepared in certain situations, including projects that involve a high level of public interest or controversy. Securing permanent protection for the Appalachian Trail across Saddleback Mountain certainly has met this criterion over the course of the last 15 years.



This environmental assessment has been prepared to document factual information about the environment of the Appalachian National Scenic Trail across Saddleback Mountain and to analyze and disclose the potential consequences of various alternatives for protecting the Appalachian National Scenic Trail across Saddleback Mountain. The environmental-assessment process also provides a forum for the public to express their concerns. This analysis further serves to fulfill NPS responsibilities for coordination under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. Lastly, and perhaps most important of all, this environmental-assessment process is intended to facilitate a sound and reasoned decision, based upon consideration of all relevant known factors, for protection of this 3.5-mile section of the Appalachian National Scenic Trail.

Background, Issues, and Concerns

History of Negotiations to Protect the Appalachian Trail across Saddleback Mountain: Negotiations to secure protection for the Appalachian National Scenic Trail at Saddleback Mountain date back to 1977, when the Maine Appalachian Trail Club initiated negotiations with Georgia-Pacific, Inc., which at the time owned the summit and the western and southern sides of Saddleback Mountain. In 1984, the current owner purchased approximately 11,000 acres, including Saddleback Mountain, from Georgia-Pacific, Inc. National Park Service representatives approached the landowner shortly thereafter regarding protection of the Appalachian Trail.

In June 1987, the National Park Service initiated an environmental-assessment process to evaluate several Trail-protection alternatives across Saddleback Mountain. More than 1,100 people responded to the environmental assessment, and an overwhelming majority of the responses favored what was identified at the time as being the NPS-preferred alternative. This alternative proposed acquisition of approximately 2,860 acres, which represented broad protection for the Appalachian National Scenic Trail, as well as protection for the alpine and subalpine zones on the undeveloped portions of Saddleback Mountain. In December 1987, Saddleback Ski Area, Inc., filed a completed rezoning request to the Maine Land Use Regulation Commission (LURC) for the state's first "planned development subdistrict." The company proposed a significant expansion of ski area facilities on Saddleback Mountain, as well as additions to the base lodge, new condominiums, and other base-area development.

In 1989, LURC issued a conditional preliminary approval of Saddleback Ski Area's planned development subdistrict proposal, subject to numerous conditions. The conditions included stipulations that required the ski area to conduct studies to determine suitable alternative locations for the upper lift terminals of two high-elevation ski lifts to reduce the visual intrusion of these facilities on the Appalachian National Scenic Trail and reduce impacts to the alpine and subalpine vegetation on Saddleback Mountain. In 1994, LURC issued an amendment to provide for administrative mechanisms for review and approval of maintenance and operational activities at the ski area, including a mechanism to permit Saddleback Ski Area to submit final plans for each phase of its proposed development. In approving the amendment, LURC upheld the conditions attached to the preliminary approval, including the conditions imposed on the proposed ski-lift and ski-trail locations that would potentially affect the visual

environment of the Appalachian National Scenic Trail and alpine and protected subalpine vegetation on Saddleback Mountain.

Throughout this period, negotiations between the NPS and Saddleback Ski Area continued. In 1991, the owner of Saddleback Ski Area agreed to sell nearly all of the 2,860 acres identified in the 1987 NPS-preferred alternative. The NPS contracted for an independent appraisal of the parcel and sent an offer to the owner of Saddleback Ski Area to purchase the parcel based on the appraised value. The owner rejected the offer, stating that the appraised value was far less than what he believed the property was worth. Negotiations stalled at this point.

In July 1996, following renewed discussions with ski area representatives, the NPS proposed an alternative that would protect virtually all of the alpine and subalpine area and two visually sensitive areas on the mountain, the Eddy Pond area and the higher elevations of the “saddle bowl,” an undeveloped area several thousand acres in size lying west and north of the ridgeline between the summit of Saddleback and The Horn. The NPS proposal, which reduced the area proposed for acquisition to approximately 893 acres, included assurances to Saddleback Ski Area that the Appalachian Trail community would not oppose the ski-area expansion contemplated in the planned development subdistrict approved by LURC. Under this proposal, Saddleback Ski Area could construct the facilities approved by LURC, expand into the “saddle bowl” outside the 893-acre corridor, and upgrade its existing facilities. The NPS again sought an independent appraisal of the 893-acre parcel and subsequently forwarded a formal offer to purchase the tract, based on the appraised value of the property, in November 1997. The owner of Saddleback Ski Area also rejected this offer.

In January 1998, the owner of Saddleback Ski Area offered to donate certain interests in approximately 350 acres to the National Park Service. Under the terms of this proposed donation, Saddleback Ski Area would retain ski-area development rights within the area that it proposed to donate for protection of the Appalachian Trail. These “reserved rights” included the rights to construct, maintain, and operate new ski lifts, new ski trails, snowmaking equipment, buildings, structures, utility lines, and other improvements.

In April 1999, Saddleback Ski Area revised its proposal. Under this proposal, Saddleback Ski Area’s owner would donate an interest in land affecting approximately 660 acres, but would reserve the following rights *within* the donated area: the rights to construct, repair, maintain, and use new ski lifts, structures, buildings, skiing trails, wind barriers, snow fencing, signs, snowmaking pipes, electrical, water, telephone, and other utility lines, and other recreational facilities; the rights to excavate, grade, work, and build terrain for ski trails, pipes, lifts, buildings, and other ski-related facilities; the rights to cut and control trees and other vegetation; the rights to cross the Appalachian Trail with two ski trails; and the water rights to Eddy Pond for storage and snowmaking purposes, including the rights to dam and control the water depth and withdraw water from Eddy Pond and construct and utilize facilities for doing so.

Issues and Concerns: This environmental-assessment process began in July 1998 when the Appalachian Trail Park Office issued a public scoping notice requesting input from members of the general public. Written comments were received from more than 270 individuals, organizations, and agencies during the comment period and several subsequent letters were received after the comment period. All comments were analyzed in the process of identifying issues and concerns to be addressed in the environmental assessment. The following issues and concerns were identified prior to or during scoping for the assessment:

- Saddleback Ski Area is an important contributor to the economy of the community of Rangeley, Maine, and the surrounding region, and it needs to be able to expand to bring jobs and economic benefits to the communities and people of the Rangeley region.
- The Appalachian Trail is a national scenic trail, a unit of the national park system, and this country's premier hiking trail. There are many ski areas, but only one Appalachian Trail. It deserves a level of protection commensurate with this national status.
- The "saddle bowl" north of the existing ski area and the southeast portion of the mountain should be evaluated to determine if constructing and operating ski facilities in these areas is technically, economically, and environmentally feasible and desirable.
- Saddleback Ski Area needs to be allowed to develop new terrain, including more advanced and expert ski terrain, if it is to be competitive.
- The serenity, beauty, and remoteness of this section of the Appalachian Trail could be compromised forever by ski area development. The scenic vistas on Saddleback Mountain are among the most spectacular of the entire Appalachian Trail.
- The interests of the Appalachian National Scenic Trail and Saddleback Ski Area should be balanced, so that everyone can enjoy the recreational opportunities that the mountain provides. Consideration must be given to the needs of both hikers and skiers. There should be no predetermined priority.
- The sensitive ecological resources of the alpine and subalpine zones on Saddleback Mountain are important resources that need to be preserved.
- The National Park Service must protect the Appalachian National Scenic Trail in conformance with the National Trails System Act.
- Ski area development across the Appalachian Trail could adversely affect the hiking experience for many visitors.

- The Appalachian Trail should be moved so that it does not interfere with the potential for the ski area to expand where it wants to. Saddleback is privately owned, and the Trail should be relocated away from it.
- There should be special consideration given to the people who live and work in the area, and their needs for jobs, particularly in the winter months.
- There may not be a market for large-scale ski area development in a relatively remote area like Rangeley. Saddleback Ski Area has had approval for almost ten years to construct ski lifts and trails that would double the capacity of its existing operations and has not done so. The owner of the ski area needs to invest in upgrading the existing facilities at the ski area first.
- If development of Saddleback Ski Area on a large scale did occur, it would end up changing the character of the Rangeley region. Some of the changes would be beneficial, others would not.
- Environmental factors, such as wind, severe weather conditions, and limited snow cover in sensitive alpine/subalpine areas, may have a significant effect on the desirability for ski area expansion near the ridgeline of Saddleback Mountain.